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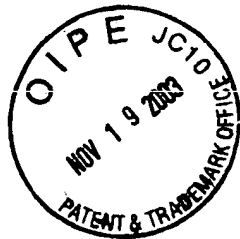
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Atty Dkt. No.: CLON-015
USSN: 09/440,829

Via Express Mail
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DECLARATION UNDER 37 C.F.R. §1.131 Address to: Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450	Attorney Docket Confirmation No.	CLON015
	First Named Inventor	Chenchik et al.
	Application Number	09/440,829
	Filing Date	November 15, 1999
	Group Art Unit	1655
	Examiner Name	Forman, B.
	Title	<i>Long Oligonucleotide Arrays</i>

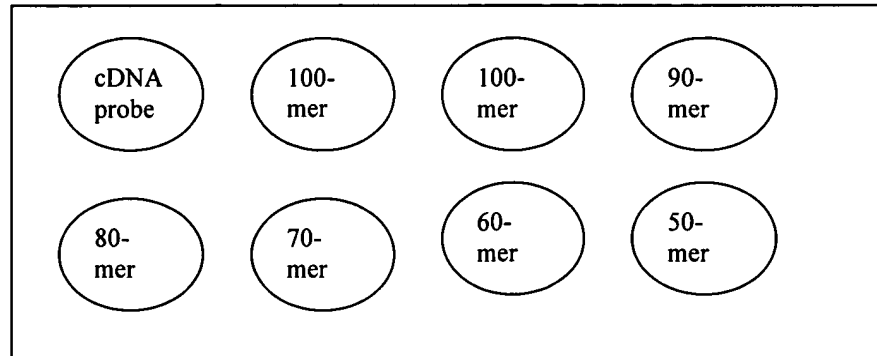
Sir:

This Declaration and the attached Exhibit are being submitted in conjunction with the Applicants' Response to the Final Rejection dated June 20, 2003.

I, Mark Lewis, do hereby declare as follows.

1. I am the General Manager of BD Biosciences Clontech. As such, I have the power to make declarations on behalf of the Assignee (Clontech Laboratories, Inc.) of the above-captioned application.
2. The inventors of the above-captioned application are not available to sign this declaration as the inventors are no longer employees of the Assignee of the above-captioned application. Accordingly, I am signing this declaration pursuant to MPEP § 715.04 (D).
3. Enclosed with this declaration are notebook pages of Alexander (Shura) Munishkin that provide evidence of conception and reduction to practice of the claimed invention prior to October 4, 1999.
4. Specifically, as evidenced by Exhibit A, a test array of 50-mer to 100-mer probes immobilized on a glass support for the target "C370" nucleic acid was

produced. Specifically, for the C370-2 nucleic acid, the array had 8 different probe spots. The probe spots were arranged on the array as follows:



As such, each different probe spot was made up of a specific length of probe molecule, i.e., 50 mers, 60 mers, 70 mers, 80 mers, 90 mers, 100 mers and, as a control, a cDNA probe (which is much longer). The resultant array was then contacted with labeled molecules prepared from polyA+ RNA placenta and a primer mix that included a primer specific for the C370 target of interest. Various hybridization conditions were evaluated and the results are provided on the second page of Exhibit A. As can be seen, it was readily appreciated that probes having a length of 60 to about 100 nt gave superior results to the longer probe cDNA probe, whose signal is much fainter than that yielded by the oligo probes. Specifically, the statement is made: **"Hybridization to Oligos is much more efficiently than to cDNA..."** The dates have been redacted from Exhibit A. All redacted dates are prior to October 4, 1999.

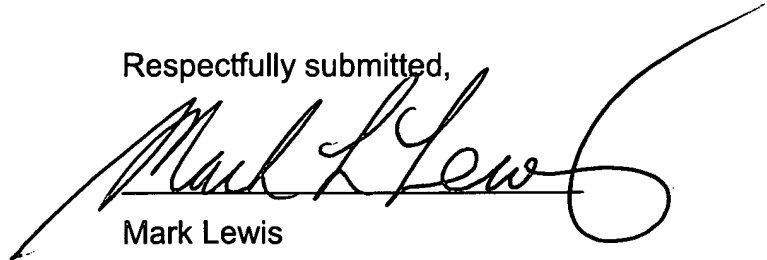
5. The evidence provided in Exhibit A establishes that an array having probes ranging in length from 60 to about 100 nt was conceived and reduced to practice prior to October 4, 1999.
6. I do hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to

be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date:

11/18/03

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Lewis', written over a horizontal line.

Mark Lewis

Attachment: Exhibit A

F:\DOCUMENT\CLON\015\1.131 declaration by bochkariov.doc

For this experiment we have chosen c370-1 and c370-2 oligos as a brightest on last experiment

Order c370-1 (100 mer)

c370-1-90 (90 mer)

c370-1-80

c370-1-70

c370-1-60

c370-1-50

from Operon

Order

c370-2 (100 mer)

c370-2-90

c370-2-80

c370-2-70

c370-2-60

c370-2-50

from MWG Company

c370_1

c370_2

gggtc agctgatcta cgagctctgcc atcacctgtg agtacctgga tgaagcatac ccaggaaga

iaa

c370_1_90

agctgttgcc ggatgacccc tatgagaaag ctgc

c370_2_90 agctgatcta cgagctctgcc atcacctgtg agtacctgga tgaagcatac ccaggaaga agctgttgcc

c370_1_80

ggatgacccc tatgagaaag

c370_1_70

c370_1_60

c370_2_80 atcta cgagctctgcc atcacctgtg agtacctgga tgaagcatac ccaggaaga agctgttgcc

c370_1_50

ggatgacccc tatga

c370_2_70 cgagctctgcc atcacctgtg agtacctgga tgaagcatac ccaggaaga agctgttgcc

ggatgacccc

c370_2_60 ctgcc atcacctgtg agtacctgga tgaagcatac ccaggaaga agctgttgcc ggatg

c370_2_50 atcacctgtg agtacctgga tgaagcatac ccaggaaga agctgttgcc

Witnessed & Understood by me,

Date

Invented by

Date

A. Faridi

Recorded by

Shweta

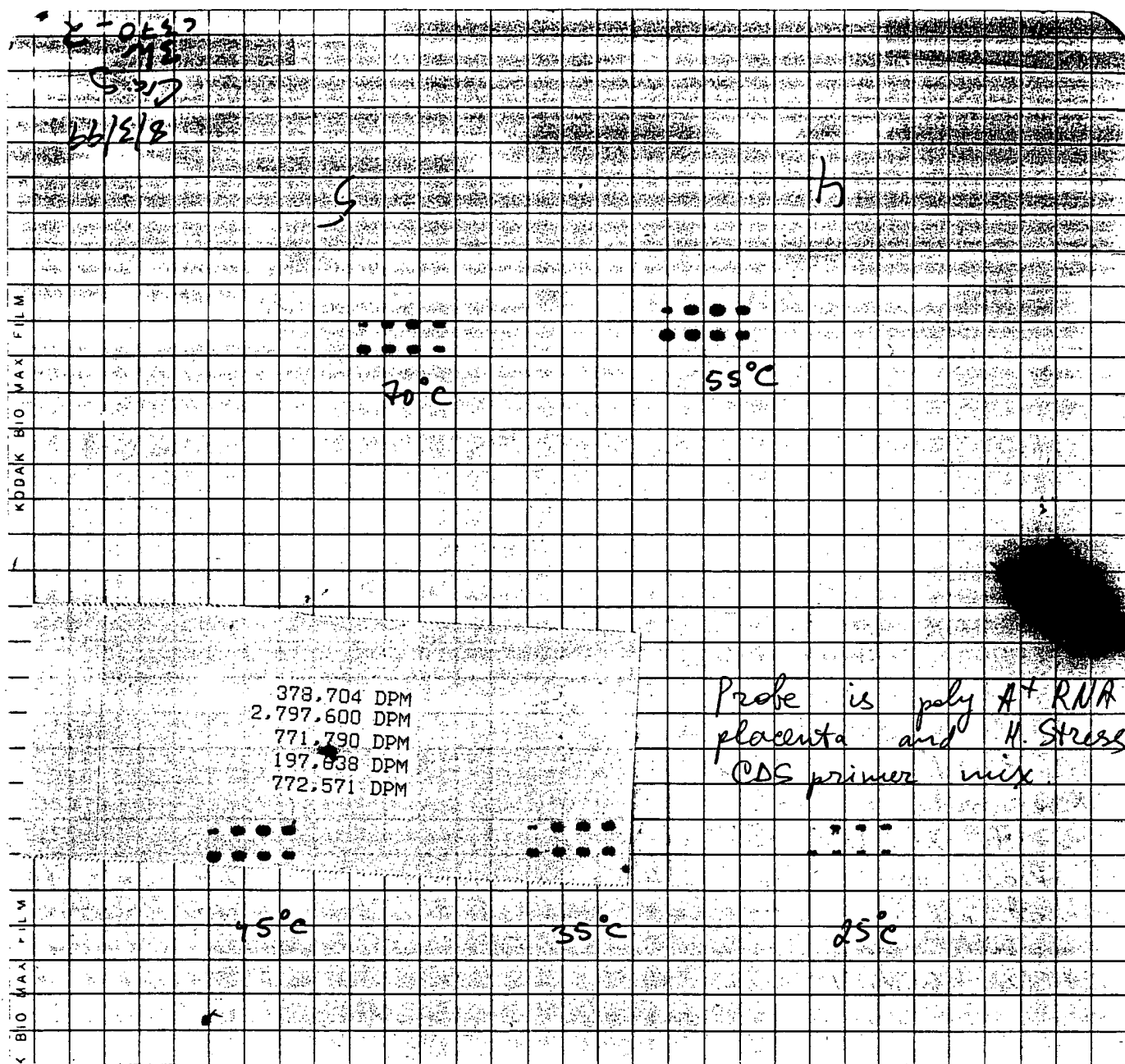
Project No. _____

Book No. _____

TITLE

Hybridization of different cDNA of

Page No. _____



Oligos from MWG (c370-2) Hybridization to oligos
 is much more efficient than to cDNA (coordinates
 as for c370-1 on p155.
 Opt. used hybridization temperature is 55°C.
 Probably later we have to go higher.

To Page No. _____

Inspected & Understood by me,

Date

Invented by

Date

P. Fanidi

Recorded by

Sharma